



AGENDA

Planning Commission Meeting
Monday September 27, 2021
7:00 pm
Gardner City Hall
120 E. Main Street

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CONSENT AGENDA

All matters listed within the Consent Agenda have been distributed to each member of the Planning Commission for study. These items are considered to be routine and will be enacted upon by one motion with no separate discussion. If separate discussion is desired on an item, from either the Planning Commission or from the floor, that item may be removed from the Consent Agenda and placed on the Regular Agenda.

1. Standing approval of the minutes as written for the meeting on August 23, 2021

REGULAR AGENDA

1. **Tallgrass, 2nd Plat**
 - 1A. Tallgrass, 2nd Plat – Final Plat
 - 1B. Tallgrass, 2nd Plat – Final Development Plan
2. **Gardner Land Development Code amendment – Off-site Signage (Public Hearing)**

DISCUSSION ITEMS

ADJOURNMENT



In compliance with the Americans with Disabilities Act, the City of Gardner will provide reasonable accommodations for all public meetings. Persons requiring accommodations in attending any of our public meetings should contact the City Clerk's office at 856-0945 a minimum of 48 hours prior to the meeting.

PLANNING COMMISSION MEETING
City of Gardner, Kansas
Council Chambers
August 23, 2021
7 p.m.

CALL TO ORDER

The meeting of the Gardner Planning Commission was called to order at 7:01 p.m. on Monday, August 23, 2021, by Chairman Scott Boden.

PLEDGE OF ALLEGIANCE

Chairman Boden led the Pledge of Allegiance.

ROLL CALL

Commissioners present:

Chairman Boden

Commissioner Ham

Commissioner Meder

Commissioner McNeer

Commissioner Jueneman

Commissioner Cooper

Staff members present:

David Knopick, Community Development Director

Robert Case, Principal Planner

Melissa Krayca, Administrative Assistant

Spencer Low, City Attorney

CONSENT AGENDA

1. Approval of the minutes as written for the meeting on July 26, 2021.

Motion made by Commissioner McNeer to approve the minutes, seconded by Commissioner Meder.

Motion passed 6-0.

REGULAR AGENDA

Item 1. Rezoning request Z-21-05 is located at the northeast corner of Moonlight & Woodson.

Dave Knopick, Community Development Director provided an introductory overview of the components of this item.

APPLICANT PRESENTAION

Arsen Khratyan, STAK Architecture introduced himself and his partnership with the developer Muhammad Abubakar. Initially, the zoning request was for C- 2 (General Business) but have now agreed to seek CO-A (Neighborhood Business) after city staff recommendation. They would like to develop the property with neighborhood-scale developments that might include a gas station, liquor store, ice cream shop in phase 1. Phase 2 may include a market, coffee shop, and small retail.

Muhammad addressed the commissioners and explained he intends to provide what is best for the community. He owns stations in Cleveland MO, Garden City, MO, and 11 groceries in the Kansas City area.

STAFF PRESENTATION

Mr. Robert Case presented the information in the staff report for the Moonlight & Woodson rezoning. The property is currently not platted and has one house and accessory structure located there. All utilities are available to the subject parcel and are currently zoned A (Agriculture) District. The general character of the neighborhood includes two and four-family homes to the east and south along with a light industrial building directly south, single family to the west and north. The site is zoned for agriculture which could raise some concerns with the surrounding residential. With use restrictions and design standards, the change in zoning could allow more compatible development to occur on the property. The rezoning allows for a transition between the industrial zoning to the south and the residential that surrounds it. Staff recommends that the Planning Commission consider and recommend a less intensive zoning district than the requested C-2 General Business District for the property located at 18085 Moonlight Rd.

PUBLIC HEARING

Public Hearing opened by Planning Commission.

No one from the public spoke regarding this matter.

Public Hearing closed by Planning Commission.

COMMISSION DISCUSSION

Commissioner Ham expressed her concern with the potential noise and traffic.

Mr. Knopick stated that the applicant will have to come back before the commissioners with an approved development plan that would address such concerns.

Commissioner Meder echoed the same concern but also believed the development is needed for the area.

Commissioner Cooper commented she would prefer green spaces be taken into consideration when developing the plan.

Chairman Boden expressed his appreciation for the less intensive zoning request as he may not approve otherwise.

Mr. Knopick assured the commissioners that during the next steps city staff will be sensitive to the concerns and help guide the applicant to create an appropriate concept.

Motion made after review of Application Z-21-05, a rezoning for 18085 Moonlight Road (parcel ID CF231430-2014), and the staff report dated August 23, 2021, the Planning Commission recommends rezoning such parcel from A - Agricultural District to CO-A – Neighborhood Business District with the finding that the CO-A Neighborhood Business District is a lesser change then the C-2 General Business District request as demonstrated by Table 5-2: Use Table in Section 17.05 Zoning Districts and Use

Standards of the Gardner Land Development Code (LDC), provided the following conditions are met:

1. Future use of the property be limited to the following uses from Table 5-2: Use Table and the associated use descriptions found in Section 17.05.030 General Use Standards of the LDC:

RESIDENTIAL DWELLINGS

- Multi-Unit Household Living P
- Mixed-Use (apartment over commercial/service) P
- Live/Work P

CIVIC/INSTITUTIONAL

- Cultural and Public Service P
- Open/Civic Space P

RETAIL ○ Retail – Micro (under 1K) P

- Retail – Neighborhood (1K – 3K) P
- Retail – Small (3K – 6K) P
- Grocery – Market (under 10K) P
- Grocery – Store (10K – 45K) C*
- Outdoor Sales – Limited A*
- Convenience Store/Fuel Station – Limited (1-4 pumps) P*
- Convenience Store/Fuel Station – General (5-12 pumps) C*

• **SERVICE AND EMPLOYMENT**

- Animal Care – General P
- Day Care Center P
- Food and Beverage – Accessory Outdoor A*
- Food and Beverage – General P*
- Food and Beverage – Mobile T*
- Health Care – Small P
- Lodging – Bed and Breakfast (up to 5 rooms) P
- Lodging – Inn (up to 20 rooms) P
- Office – Limited (under 10K) P
- Office – General (10K – 40K) C
- Personal Services – Limited (under 3K) P
- Personal Services – General (3K – 10K) P
- Recreation/Entertainment – Indoor Minor (under 10K) P
- Temporary Use T*

INDUSTRIAL

- Manufacturing – Limited/Artisan P

AGRICULTURAL

- None

COMMUNICATIONS AND UTILITIES

- Small cell and distributed antenna systems mounted or collocated on monopoles, utility poles, or street lights in the public rights-of-way P*

- Communication facilities designed as an architecturally compatible element mounted or collocated on nonresidential buildings A*
- Communication facilities designed as an architecturally compatible element mounted or collocated on mixed-use or live/work buildings A*
- Wind Energy Conversion System – Small C*
- Solar Collector – Roof Mounted A*
- Solar Collector – Ground Mounted C*
- A = Accessory Use; C = Conditional Use; P = Permitted Use; T = Temporary Use;* = Supplemental Use Regulations

2. That a preliminary and final development plan be submitted, reviewed, and approved by the City Staff, Planning Commission, and City Council through the prescribed public processes for such development plans found in Section 17.05.030 within 12 months of this rezoning action to add the P (Planned District) designation to the CO-A Neighborhood Business District. If a development plan is not approved within such a timeframe then the zoning for this parcel will revert to the A - Agricultural District.

And forwards the recommendation for approval to the Governing Body.

Motion made by Commissioner Meder and seconded by Commissioner McNeer.
Motion passed 6-0.

Item 2. Final Development Plan FDP-19-03 revision/deviation request for Phase 1 Buildings 5-10 Tallgrass Apartment.

Dave Knopick, Community Development Director provided an introductory overview of the components of this item.

APPLICANT PRESENTATION

Todd Bleakley, Tallgrass Apartments explained they would like to reduce the amount of concrete poured for the 8 ft. sidewalks and install 6 ft. sidewalks. They would prefer to use the saved money to expand the walking trails from 5 ft. to 8 ft. for the residents. They also feel that the narrower sidewalks are more aesthetically pleasing and provide additional lawn depth along the fronts of the buildings.

STAFF PRESENTATION

Mr. Case gave a brief overview of the deviation request as it pertains to the land development code that outlines development standards for planned developments. The request is to allow for a reduction in the width of sidewalks that parallel parking lots in front of apartment buildings from 8 ft. to 6 ft. The ADA compliant 6 ft. wide sidewalks allow for vehicle encroachment and still provide an approximately 4' clear path. The staff recommends approval of the revised final development plan for Tallgrass, 1st Plat subject to internal trails be widened from 5 ft. to 8 ft. and the applicant's engineer provide written proof of ADA compliance for all sidewalks along with buildings that front parking lots.

COMMISSION DISCUSSION

Commissioner Ham asked if the ADA compliance can be maintained with all models of vehicles if 6ft sidewalks are installed.

Mr. Knopick stated there are no guarantees how people will park but the city did some research on-site and the 6ft sidewalks appear to be sufficient to maintain the 3 to 3.5ft clearance.

Mr. Allenbrand explained that 36 inches is the minimum travel path required for ADA compliance and they will have a 42-inch travel path throughout.

Commissioner Meder stated her concerns regarding checks and balances within the development as she visited the job site and noticed the sidewalks had been poured with additional concrete poured after the fact.

Mr. Bleakley stated the sidewalks had been poured incorrectly and required the additional 3ft to be poured.

Mr. Jueneman inquired if consideration had been made in the event a pickup truck was to park the rear end first if the walkway would be passable.

Mr. Allenbrand said that regardless of the size of the sidewalk a pickup truck would impede the passable area and would hope the apartment management would address the situation as needed.

Mr. McNeer commented that he was impressed with the developer and City staff working together to widen the walking trails within the development.

Chairman Boden noted that this is the 2nd developer who has requested deviation to sidewalk width and maybe it would be pertinent to visit the land development code to require the 6ft standard that seems to be common with other municipalities' codes.

Motion made after review of application FDP-19-03, a revised final development plan for Tallgrass, 1st Plat dated August 6, 2021, and staff report dated August 23, 2021, The Planning Commission approves the application as proposed, provided the following conditions are met:

- 1. The applicant's engineer shall provide written proof of ADA compliance for all sidewalks alongside buildings that front parking lots.**
- 2. Internal trails shall be widened from 5ft. to 8ft.**

Motion made by Commissioner McNeer and seconded by Commissioner Cooper.

Motion passed 5-1.

Commissioner Meder voting against.

DISCUSSION ITEMS

Item 1. Utility-Scale Solar Facilities

Sean Pendley, Deputy Director Johnson County Planning presented the information in his presentation Utility-Scale Solar Facilities. The county has been approached by Next Era Energy for a possible solar facility within the county. There is a growing demand for renewable energy and solar energy is the fast-growing energy source. Policy review and BOCC study session occurred in March of 2021 and there are upcoming study sessions in September. There is to be a public hearing in October or November as well. The proposed development standards would include a maximum percentage of PV panel coverage at 70% and greater than a 1-mile distance from neighboring cities. The setbacks would require the structures to be at least 250ft. from existing dwellings and, substations and battery storage at least 150 ft. from a property line. The disturbed lands shall be reseeded with prairie grasses, forbs, and pollinators as well as security fencing. Roads, residential zoning, and existing dwellings shall be screened from views of PV panel equipment by trees and berms. The locational criteria would require placement in

nonresidential areas and configured to reduce impacts such as views and noise. Mr. Pendley that he welcomes any questions or comments at the upcoming work sessions.

COMMISSION DISCUSSION

Commissioner Cooper asked how land is anticipated to be acquired for the solar facilities.

Mr. Pendley stated it would remain privately owned and be leased from current landowners.

Although a conditional use permit will be required by Johnson County, the landowner would still have rights to land use as see fit for and agriculture purposes desired.

Commissioner Cooper also inquired about the restoration requirements is once the conditional use permit expires for the solar facility

Mr. Pendley stated at the time of expiration that a new permit can be applied for to extend if the lease is agreeable with the landowner. If the facility is to be decommissioned then there will be a protocol to restore the land.

Commissioner McNeer asked if imminent domain would be implemented for these projects.

Mr. Pendley stated that the county would not force any landowners into a lease and it is strictly up to them to secure a lease with potential solar facilities.

Commissioner McNeer commented the abandoned Sunflower Ammunition site may be an ideal location for a solar facility.

Chairman Boden stated his concern for the 1-mile buffer and the rate of expansion. He asked that the county keep the City of Gardner's growth plan in mind.

Commissioner Meder expressed her appreciation that a decommissioning plan has been considered in the planning process.

Item 2. Off-Site Advertising Signage

Mr. Knopick provided background information and framework concerning any draft amendments that are subject to review. The Governing Body was approached by a sign provider, representing a local property owner, with an inquiry and proposal regarding the allowance of off-site advertising signage along the I-35 corridor in Gardner. Currently, the Gardner Land Development Code (LDC) does not allow off-site advertising. After listening to the inquiry and proposal, the Governing Body asked that planning staff look into potential amendments/changes to the LDC that would accommodate off-site advertising signage and staff has been working on the initial development of draft amendments and changes for future consideration by the Planning Commission and Governing Body per the procedures outlined in the LDC. Any draft amendments are subject to further review by planning staff and the City Attorney before consideration by the Planning Commission or Governing Body. It is anticipated that the Planning Commission will hold a public hearing on draft text amendments soon. Mr. Knopick asked the commissioner to look over the provided information before the public hearing.

COMMISSION DISCUSSION

Commissioner Hamm expressed concerns about polarizing content on the signs.

Commissioner Cooper inquired about separation minimums for signs and what is the potential impact to Gardner in terms of square feet.

Mr. Knopick stated the state minimum must be adhered to but we could extend the separation in our code if we choose and it approximated under 5 miles could be impacted along I-35 highway.

Commissioner McNeer asked what the commissioners are being asked to consider concerning guidelines over the next 30 days.

Mr. Knopick stated Gardner is not allowed to regulate the sign content. Sign construction and maintenance standards are the factors the city could help regulate. It is recommended to consider what standards reflect the values of Gardner.

Motion made to adjourn by Commissioner McNeer and seconded by Commissioner Jueneman.

Motion passed 6-0.

Meeting adjourned at 8:45 p.m.

DRAFT

PLANNING COMMISSION STAFF REPORT
MEETING DATE: SEPTEMBER 27, 2021
PREPARED BY:

NEW BUSINESS ITEM No. 1A

PROJECT NUMBER / TITLE: FP-21-06 Final Plat for Tallgrass, 2nd Plat

PROCESS INFORMATION

Type of Request: Final Plat

Date Received: August 2, 2021

APPLICATION INFORMATION

Applicant: Todd Allenbrand, Payne & Brockway, P.A.

Owner: Tallgrass Apartments, LLC (Todd Bleakley)

Parcel ID: CP94500000 0T0C

Location: Northwest corner of Moonlight Rd and University Drive

REQUESTED ACTION

The applicant is requesting approval of a final plat for Tallgrass, 2nd Plat, phase 2 of a three lot subdivision that includes two duplex lots and multi-family residential development.

EXISTING ZONING AND LAND USE

The subject properties are currently zoned RP-3 (Planned Garden Apartment) District with an approved preliminary development plan for Tallgrass. Both parcels are agricultural use.

SURROUNDING ZONING AND LAND USE

Zoning	Use(s)
North of subject property	
R-1 (Single-Family Residential) District	Single-family residences and undeveloped single-family property
East of subject property	
County RUR (Rural) District	Single-family residences
County PEC3 (Planned Light Industrial Park) District	Crop agriculture of undeveloped property and manufacturing uses
South of subject property	
RP-3 (Planned Garden Apartment) District	Tallgrass Phase I garden apartments
West of subject property	
RP-2 (Planned Two-Family Residential) District	Duplex residences

EXISTING CONDITIONS

The parcel is currently vacant and surrounded by residential.



BACKGROUND / HISTORY

Annexation of this property was approved by the Governing Body on March 3, 2003 (Ordinance No. 2054). That same year, a rezoning (Z-03-16) from the A (Agriculture) district to a mix of RP-2 (Planned Two-Family Residential) district, RP-3 (Planned Garden Apartment) district, RP-5 (Planned Apartment House) district, CP-2 (Planned General Business) district, and C-O (Commercial Office) district was approved for approximately 157.5 acres for University Park. Additionally, a preliminary development plan (PDP-03-04) for University Park was approved for a mix of multi-family and commercial uses. To date, only a portion of the multi-family in the RP-2 zoning district has been constructed. The remaining portion of the development remains vacant. The portion of the previously approved development, under consideration with this application, is included in the RP-2 zoning district included 100 duplex homes, or 200 dwelling units.

In 2018, a rezoning (Z-18-01) from RP-2 (Planned Two-Family Residential) District to RP-3 (Planned Garden Apartment) District and RP-4 (Planned Mixed-Density Neighborhood) District and preliminary development plan PDP-18-01 for Cottages at University Park and preliminary plat PP-18-01 were approved. This development included the larger parcel containing 33.639 acres and proposed 160 dwelling units in a mix of compact single-family residential, duplex and a 4-plex pinwheel residential building types.

The eastern parcel was rezoned (Z-18-03) in 2018 from CP-2 (Planned General Business) District to R-3 (Garden Apartment) District with a tentative plan to construct approximately 60 units of apartments in the future.

A rezoning (Z-19-03) and preliminary development plan (PDP-19-03) was approved from RP-3, RP-4 and CP-2 to RP-3 at the August 19, 2019 Council meeting. Additionally these applications

were reviewed by Johnson County due to the proximity of New Century AirCenter and was also approved. On November 19, 2019 a final plat and final development plan was approved by the Planning Commission for Phase 1. Phase I construction is almost complete.

CONSISTENCY WITH COMPREHENSIVE PLAN

The *City of Gardner 2014 Comprehensive Plan* identifies these parcels for low-density residential, which typically includes both single-family residential and duplex housing. For this phase, two duplex lots and 7 garden apartment buildings are proposed. The duplex building types are consistent with low-density residential; however, the garden apartment building types are typically more consistent with higher-density residential. The overall project density is 13.84 units per acre. The Market Analysis of the Gardner Main Street Corridor Plan represents townhomes as generally ranging between 10 to 15 dwelling units per acre, and apartments generally ranging between 25 to 30 dwelling units per acre. Therefore, this proposed development represents an overall comparable density to typical townhome communities rather than apartment communities. The proposed apartments are two- and three-story designs. The buildings that abut the existing single-family and duplex homes to the west and north include 24-unit buildings that are entirely 2-story, and 16-unit buildings that are a mix of 2-story on the ends and 3-story in the middle.

Additionally, the Comprehensive Plan has identified this area for “New Residential Growth” in the Residential Area Plan under the Housing section, which is undeveloped land that provides a clean slate for future residential development to contribute to and enforce the City’s existing character and identity. One goal of New Residential Growth is to ensure a new development meets the requirements of the *Gardner Land Development Code* and provides flexibility where necessary to accommodate a variety of housing types and intensities. While the project itself does not provide a variety of housing types, the continuing addition of apartments would provide for a variety of housing in the area. Copper Springs to the north is developed and being developed with single-family residential and the property to the west is developed with duplex development. The nearest apartment development is just over a mile to the south at Lincoln Lane and Moonlight Road. With the growth of businesses in New Century AirCenter to the east and Moonlight being an alternative route into Olathe from the south and west, multi-family housing on the northeast side of Gardner will be important.

The New Residential Growth Areas plan values connectivity and open space preservation and conservation design. The proposed street layout converts 164th street into an internal street and parking network and allows for the continuation of future additions.

The open space preservation and conservation design is supported with this project by way of the west stormwater detention area and will include native vegetation. Additionally, as mentioned before, an 8 foot wide trail is incorporated into the site.

STAFF ANALYSIS - FINAL PLAT

17.03.020 (E1) Review Criteria:

- a. The layout and design of the final plat is in substantial compliance with the approved preliminary plat considering the number of lots or parcels; the block layout, street designs and access; the open space systems and civic design elements; the infrastructure systems; or other elements of coordinated developments.

Staff Comment: *The proposed final plat is in substantial compliance with the approved preliminary plat. Phase 2 includes the same layout as the preliminary plat.*

- b. The construction plans for any utilities, infrastructure or public facilities shall have been found to meet all technical specifications, or final plat approval shall be conditioned on such plans meeting all technical specifications, before the recording of the final plat.

Staff Comment: *Public improvement plans shall be submitted and approved prior to the release of the final plat for recording at the County (this is a recommended condition of approval). Plans will include sidewalk and trail construction and any utility extensions that are required.*

- c. The phasing and timing of public improvements ensures construction and performance guarantees.

Staff Comment: *Public improvement plans shall be submitted and approved prior to the release of the final plat for recording and issuance of building permits to ensure all improvements are in place. Public improvements are to be complete prior to the issuance of building permits.*

- d. Any deviations in the final plat from the preliminary plat brings the application in further compliance with the Comprehensive Plan and the purposes and intent of this Code.

Staff Comment: *No deviations are requested.*

- e. The recommendations of professional staff, or any other public entity asked to officially review the plat.

Staff Comment: *Staff recommends approval of the plat for Tallgrass, 2nd Plat.*

STAFF ANALYSIS – INFRASTRUCTURE / OTHER

ELECTRIC – Electric will be provided by the City of Gardner and be extended from south of the subject property.

SANITARY SEWER – Sanitary sewer by the City of Gardner will be extended from the west from an existing line across Gretna Street, behind the existing duplex lots, onto the site.

WATER – City of Gardner water extension will be made along Evergreen Street to the north.

STORMWATER – The applicant has provided a preliminary stormwater management study that has been approved however the final has not been submitted. This will be a condition of approval.

ROADWAY NETWORK & SIDEWALKS – The developer will be constructing an extension of 164th Street that will connect with the Tallgrass Apartment's internal street network.

EXCISE TAX

Excise tax is levied with the act of platting the portion of the property in the city. Any of the subject property that has never been a part of a final plat before is therefore subject to paying the excise tax. This tax is based on the square footage of the plat property, excluding any arterial type right-of-way dedication for streets and parkland dedication.

ATTACHMENTS

- I. Final Plat FP-21-06
- II. Landscape Plans
- III. Application

ACTIONS

Per Section 17.03.010 (G) of the *Gardner Land Development Code*, a review body may take the following actions (or recommend the following actions):

1. Approve the application.
2. Approve the application with conditions or modifications to lessen or mitigate a potential impact from the proposed application.
3. Deny the application.
4. Continue the application to allow further analysis. The continued application shall not be more than 60 days from the original review without consent of the applicant. No application shall be continued more than once by each review body without consent of the applicant.

EFFECT OF DECISION

Final Plat – If the Planning Commission approves or conditionally approves the final plat, the plat shall be forwarded to the Governing Body with a recommendation that they accept dedication of land for public purposes such as easements, rights-of-way and public facilities. The approval of the final plat; acceptance of the dedication of land for public purposes; finding that the construction plans for any utilities, infrastructure or public facilities meet all City technical specifications; and payment of the excise tax if applicable, authorizes the filing of the plat with the Johnson County Records and Tax Administration. Any approval with conditions or exceptions to the rules shall be clearly stated on the plat. Any plat not recorded within two years from the date of acceptance of land by the Governing Body shall be null and void. Upon approval of the final plat, dedications, and construction plans and recording of the plat, the applicant may proceed with the construction of required improvements. No building permit shall be authorized until the completion, inspection and acceptance of all required improvements

RECOMMENDATION

Staff recommends approval of the FP-21-06 Final Plat for Tallgrass, 2nd Plat with the conditions outlined in the Recommended Motion section.

Recommended Motion:

After review of application FP-21-06, a final plat for Tallgrass, 2nd Plat, tax Id CP94500000 OT0C, and staff report dated September 27, 2021, the Planning Commission approves the application as proposed, provided the following conditions are met:

1. Prior to the issuance of a building permit, the application shall obtain approval from the Johnson County Board of Commissioners.

2. Prior to the Mayor signing an approved recordable plat, the applicable excise tax shall be paid to the City.
3. The construction plans for any utilities, infrastructure, or public facilities shall meet all technical specifications and public improvement plans shall be submitted and approved prior to the release of the plat for recording.

and forwards the recommendation for approval to the Governing Body.

PLANNING COMMISSION STAFF REPORT
MEETING DATE: SEPTEMBER 27, 2021
PREPARED BY:

NEW BUSINESS ITEM No. 1B

PROJECT NUMBER / TITLE: FDP-21-07 Final Development Plan for Tallgrass 2nd Plat

PROCESS INFORMATION

Type of Request: Final Development Plan

Date Received: August 2, 2021

APPLICATION INFORMATION

Applicant: Todd Allenbrand, Payne & Brockway, P.A.

Owner: Tallgrass Apartments, LLC (Todd Bleakley)

Parcel ID: CP94500000 0T0C

Location: Northwest corner of Moonlight Rd and University Dr

REQUESTED ACTION

The applicant is requesting approval of a final development plan for Tallgrass, 2nd Plat, phase 2 of a three lot subdivision that includes two duplex lots and multi-family residential development.

EXISTING ZONING AND LAND USE

The subject properties are currently zoned RP-3 (Planned Garden Apartment) District with an approved preliminary development plan for Tallgrass. Both parcels are agricultural use.

SURROUNDING ZONING AND LAND USE

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North of subject property	
R-1 (Single-Family Residential) District	Single-family residences and undeveloped single-family property
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County PEC3 (Planned Light Industrial Park) District	Crop agriculture of undeveloped property and manufacturing uses
South of subject property	
RP-3 (Planned Garden Apartment) District	Tallgrass Phase I garden apartments
West of subject property	
RP-2 (Planned Two-Family Residential) District	Duplex residences

were reviewed by Johnson County due to the proximity of New Century AirCenter and was also approved. On November 19, 2019 a final plat and final development plan was approved by the Planning Commission for Phase 1. Construction has started on the first phase.

CONSISTENCY WITH COMPREHENSIVE PLAN

The *City of Gardner 2014 Comprehensive Plan* identifies these parcels for low-density residential, which typically includes both single-family residential and duplex housing. For this phase, two duplex lots and 7 garden apartment buildings are proposed. The duplex building types are consistent with low-density residential; however, the garden apartment building types are typically more consistent with higher-density residential. The overall project density is 13.84 units per acre. The Market Analysis of the Gardner Main Street Corridor Plan represents townhomes as generally ranging between 10 to 15 dwelling units per acre, and apartments generally ranging between 25 to 30 dwelling units per acre. Therefore, this proposed development represents an overall comparable density to typical townhome communities rather than apartment communities. The proposed apartments are two- and three-story designs. The buildings that abut the existing single-family and duplex homes to the west and north include 24-unit buildings that are entirely 2-story, and 16-unit buildings that are a mix of 2-story on the ends and 3-story in the middle.

Additionally, the Comprehensive Plan has identified this area for “New Residential Growth” in the Residential Area Plan under the Housing section, which is undeveloped land that provides a clean slate for future residential development to contribute to and enforce the City’s existing character and identity. One goal of New Residential Growth is to ensure a new development meets the requirements of the *Gardner Land Development Code* and provides flexibility where necessary to accommodate a variety of housing types and intensities. While the project itself does not provide a variety of housing types, the continuing addition of apartments would provide for a variety of housing in the area. Copper Springs to the north is developed and being developed with single-family residential and the property to the west is developed with duplex development. The nearest apartment development is just over a mile to the south at Lincoln Lane and Moonlight Road. With the growth of businesses in New Century AirCenter to the east and Moonlight being an alternative route into Olathe from the south and west, multi-family housing on the northeast side of Gardner will be important.

The New Residential Growth Areas plan values connectivity and open space preservation and conservation design. The proposed street layout converts 164th street into an internal street and parking network and allows for the continuation of future additions.

The open space preservation and conservation design is supported with this project by way of the west stormwater detention area and will include native vegetation. Additionally, as mentioned before, an 8 foot wide trail is incorporated into the site.

STAFF ANALYSIS - FINAL DEVELOPMENT PLAN

This section highlights contents of the application which may merit particular consideration in regard to zoning intent and standards. A full analysis to all applicable regulations is available on request.

This application is being reviewed per the Planned Development process of Section 17.03.040 of the LDC.

17.03.040 (C) Review Criteria

1. In general, any final development plan in compliance with all requirements of this Code shall be approved.

Staff Comment: *The final development plan is generally in compliance to the Code with the exception of the approved deviations from the preliminary development plan.*

2. In making a determination of compliance, or for site plans accompanying any discretionary review or administrative relief, the review body shall consider whether:
 - a. The site is capable of accommodating the buildings, proposed use, access and other site design elements required by the Code and will not negatively impact the function and design of rights-of-way or adjacent property.

Staff Comment: *The sites are capable of accommodating the buildings and other design elements required without negatively impacting adjacent property.*

- b. The design and arrangement of buildings and open spaces is consistent with good planning, landscape design and site engineering principles and practices.

Staff Comment: *The design and arrangement of the buildings and open space is consistent with good design, principles, and practices. The site includes features and amenities that establish a built relationship with adjacent sites and the public realm.*

- c. The architecture and building design uses quality materials and the style is appropriate for the context considering the proportion, massing, and scale of different elements of the building.

Staff Comment: *The applicant is proposing architecture and building design using quality materials such as smart paneling, stone veneer, and varying color schemes throughout the development.*

- d. The overall design is compatible to the context considering the location and relationships of other buildings, open spaces, natural features or site design elements.

Staff Comment: *The overall design of the buildings are compatible to the context of the surrounding properties.*

- e. Whether any additional site-specific conditions are necessary to meet the intent and design objectives of any of the applicable development standards.

Staff Comment: *No additional site-specific conditions are necessary to meet the intent and design objectives of the applicable development standards*

3. The application meets the criteria for all other reviews needed to build the project as proposed.

Staff Comment: *The applicant is required to submit and receive approval of a final plat and public improvement plans prior to construction.*

4. The recommendations of professional staff.

Staff Comment: *Staff recommends approval of the final development plan for Prairiebrook Villas.*

5. The final development plan is in substantial compliance with the approved preliminary development plan.

Staff Comment: *The final development plan is in substantial compliance with the approved preliminary development plan.*

ATTACHMENTS

- I. Final Development Plan FDP-21-07
- II. Elevations
- III. Application

ACTIONS

Per Section 17.03.010 (G) of the *Gardner Land Development Code*, a review body may take the following actions (or recommend the following actions):

1. Approve the application.
2. Approve the application with conditions or modifications to lessen or mitigate a potential impact from the proposed application.
3. Deny the application.
4. Continue the application to allow further analysis. The continued application shall not be more than 60 days from the original review without consent of the applicant. No application shall be continued more than once by each review body without consent of the applicant.

EFFECT OF DECISION

Final Development Plan – Approval of a final development plan shall authorize the applicant to apply for a building permit and other applicable permits. The Director may approve minor amendments to approved final development plans without the refiling of a new application, but in no event shall the Director approve any change that does not qualify for an administrative site plan, or any change that is different from any condition of approval of the final development plan

RECOMMENDATION

Staff recommends approval of FDP-21-07 Final Development Plan for Tallgrass 2nd Plat plan with the conditions outlined in the Recommended Motion section.

Recommended Motion:

After review of application FDP-21-07, a final development plan for Tallgrass, 2nd Plat, tax Id CP94500000 0T0C, and staff report dated September 27, 2021, the Planning Commission approves the application as proposed, provided the follow condition is met.

1. Prior to the issuance of a building permit, the application shall obtain approval from the Johnson County Board of Commissioners.
2. Approval of the final plat for Tallgrass, 2nd Plat.

and forwards the recommendation for approval to the Governing Body.



TO: Gardner Planning Commission

FROM: David Knopick, Community Development Director

DATE: September 27, 2021

SUBJECT: Regular Item 2: Consideration of proposed Title 17 Land Development Code amendments regarding off-site signage (PUBLIC HEARING).

BACKGROUND

Periodically the Governing Body or Planning Commission or staff, through the activities associated with the administration of Title 17 Land Development Code (LDC) of the Gardner Municipal Code, may identify the need to make text amendments to the LDC. The process to be used to consider and make such changes is prescribed as follows:

Section 17.03.110 Text Amendments

A. **Applicability.** Text amendments to these regulations may be initiated by the Governing Body or the Planning Commission, or by staff on behalf of these entities.

B. **Specific Procedures.** In addition to the general procedures in Table 3-1, and GMC [17.03.010](#), applications for text amendments shall be processed according to the following specific procedures:

1. **Public Hearing.** The Planning Commission shall hold a public hearing on all proposed amendments.
2. **Recommendations.** Upon the conclusion of the public hearing, the Planning Commission shall prepare and adopt its recommendations in the form of a proposed development regulation and shall submit it with a record of the hearing to the Governing Body.
3. **Action by the Governing Body.** When the Planning Commission submits a recommendation of approval or disapproval of such amendment and the reasons therefor, the Governing Body may:
 - a. **Adopt.** Adopt such recommendation by ordinance,
 - b. **Override.** Override the Planning Commission's recommendation by at least a two-thirds vote of the membership of the Governing Body, or
 - c. **Return.** Return such recommendation to the Planning Commission with a statement specifying the basis for the Governing Body's failure to approve or disapprove. If the Governing Body returns the Planning Commission's recommendation, the Planning Commission after considering the same may resubmit its original recommendation giving the reasons therefor or submit new and amended recommendations. Upon the receipt of such recommendation, the Governing Body by a simple majority thereof may adopt or may revise or amend and adopt such recommendation by ordinance or it need take no further action thereon. If the Planning Commission fails to deliver its recommendation to the Governing Body following the Planning Commission's next regular meeting after receipt of the Governing Body's report, the Governing Body shall consider such

course of inaction on the part of the Planning Commission as a resubmission of the original recommendation and proceed accordingly.

4. Publication. If the Governing Body approves an application, it shall adopt an ordinance to that effect, but the ordinance shall not become effective until its publication in the official newspaper. (Ord. 2518 § 2 (LDC § 3.11))

The Governing Body was approached by a sign provider, representing a local property owner, with an inquiry and proposal regarding the allowance of off-site advertising signage along the I-35 corridor in Gardner. Currently, the Gardner Land Development Code (LDC) does not allow off-site advertising per *Section 17.10.050 Standards Applicable to All Signs*:

K. Any sign with a business message shall be located on the site of the business activity.

As the Planning Commission is aware, *Section 17.03.110 Text Amendments* of the LDC states the text amendments to the LDC may be initiated by the Governing Body, the Planning Commission, or by staff. After listening to the inquiry and proposal, the Governing Body asked that planning staff look into potential amendments / changes to the LDC that would accommodate off-site advertising signage and staff has been working on draft amendments and changes for consideration by the Planning Commission and Governing Body per the procedures outlined in the LDC.

In order to help the Planning Commission familiarize itself with this topic, the following links are being provide for reference purposes:

City of Gardner Sign Standards (LDC Chapter 17.10):

<https://www.codepublishing.com/KS/Gardner/#!/Gardner1710.html#17.10>

State of Kansas Department of Transportation Advertising Signs In Kansas brochure:

<https://www.ksdot.org/Assets/wwwksdotorg/bureaus/burRow/OutdoorAd/Advertising%20Signs%20in%20Kansas%20Brochure%2004%2019.pdf>

(This brochure provides an overview of the state regulations related to off-site advertising along designated transportation corridors in Kansas including I-35. The standards and requirements of the state are the minimum standards that would be applicable if off-site advertising signage were allowed in Gardner along the identified corridors. The applicable Kansas regulations can be found at:

<https://www.ksdot.org/Assets/wwwksdotorg/bureaus/burRow/PDFFiles/KHACARev6.pdf>)

Johnson County Kansas Sign Regulations

https://www.jocogov.org/sites/default/files/documents/PLN/article_20.pdf

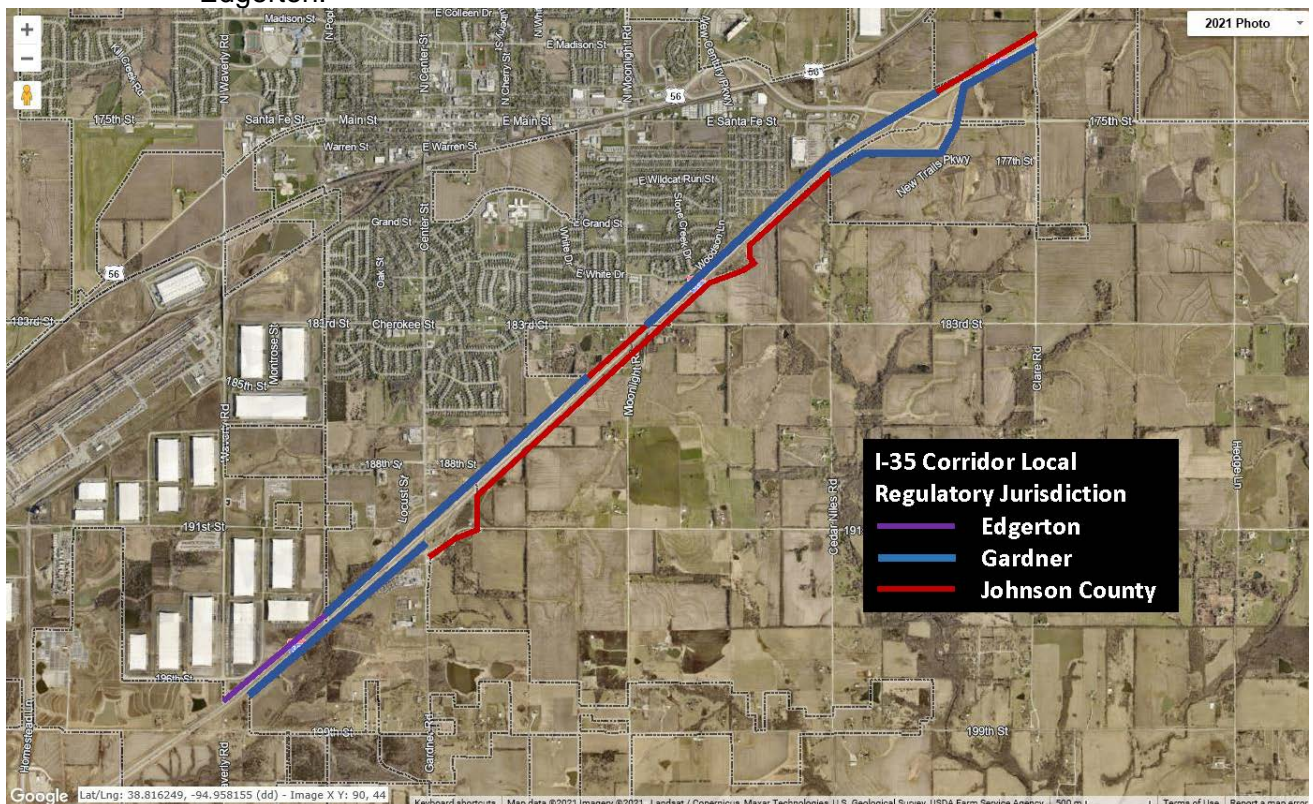
Specifically – Section 6 C 2 c Outdoor Advertising Signs starting on page 20-8.

In addition to the local regulations and the current county and state regulations, there are court decisions (primarily having to do with sign content / messaging) that must be taken into consideration related to sign regulation within the City of Gardner.

In consideration of the regulatory context and the framework of the LDC, staff has taken an approach that categorizes signs as ancillary or principal uses and is recommending the removal of the reference to messaging content. As a result of this approach the recommended amendments are focused on physical characteristics (e.g. setback, separation, height,

dimensions, location, lighting, landscaping, etc.), as well as construction and maintenance standards which could also include special permitting / inspection requirements. The following items are provided as contextual / summary information for consideration of the proposed LDC amendments:

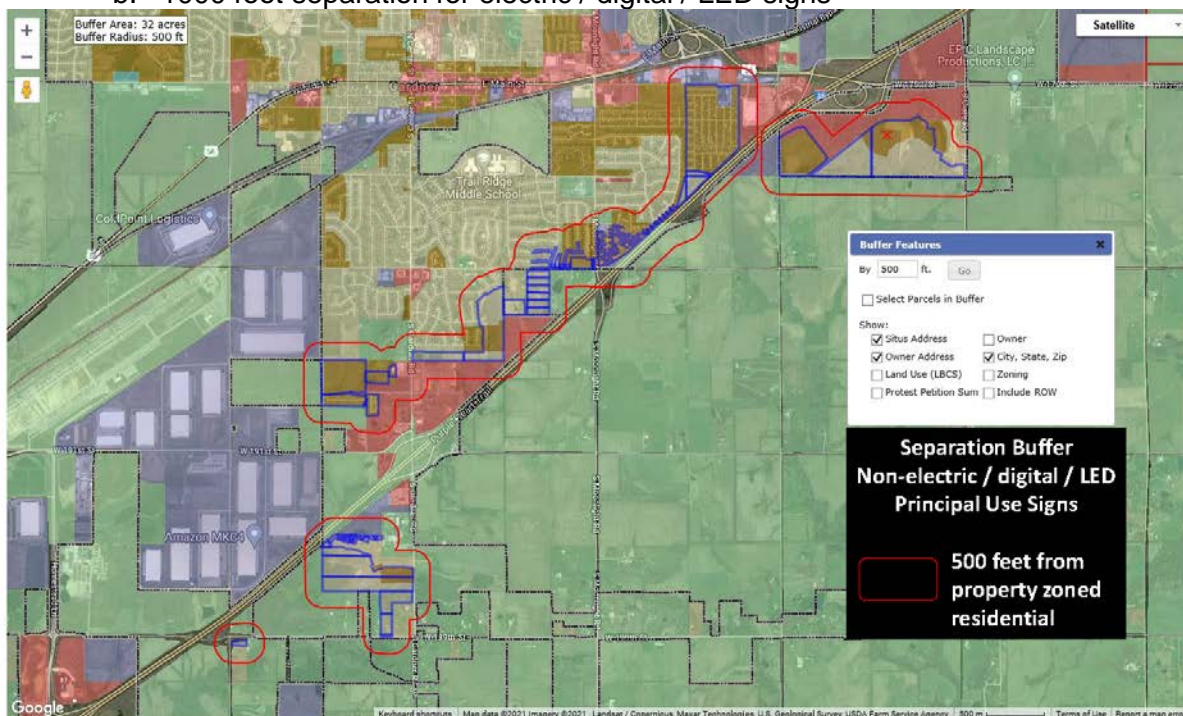
1. Two sign categories would be described as uses of property.
 - a. Ancillary signs – associated with and supporting a principal or accessory use on the same property.
 - b. Principal use signs – not associated with and supporting a principal or accessory use on the same property.
2. Principal use signs would only be allowed along the I-35 corridor. Approximately 5 miles (26,400 linear feet) of I-35 is located within or adjacent to the City of Gardner.
 - a. Eastside of I-35 – property located along approximately 2.7 mi (14,256 feet) of the linear distance is regulated by the City of Gardner (in two segments: an area starting approximately .3 miles northeast of the 199th Street bridge to Gardner Road; and an area beginning near the start of the I-35 northbound off-ramp at 175th Street to Clare Road). The remainder of the linear distance on this side of I-35 is regulated by Johnson County.
 - b. Westside of I-35 – property located along approximately 3.6 mi (19,008 feet) of the linear distance is regulated by the City of Gardner (in two segments: an area between the Edgerton City Limits to a point approximately .4 miles south of 183rd Street; and an area from 183rd Street to approximately the beginning of the I-35 southbound off-ramp of the 175th Street interchange) the remainder of the linear distance on this side of I-35 is regulated by Johnson County or the City of Edgerton.

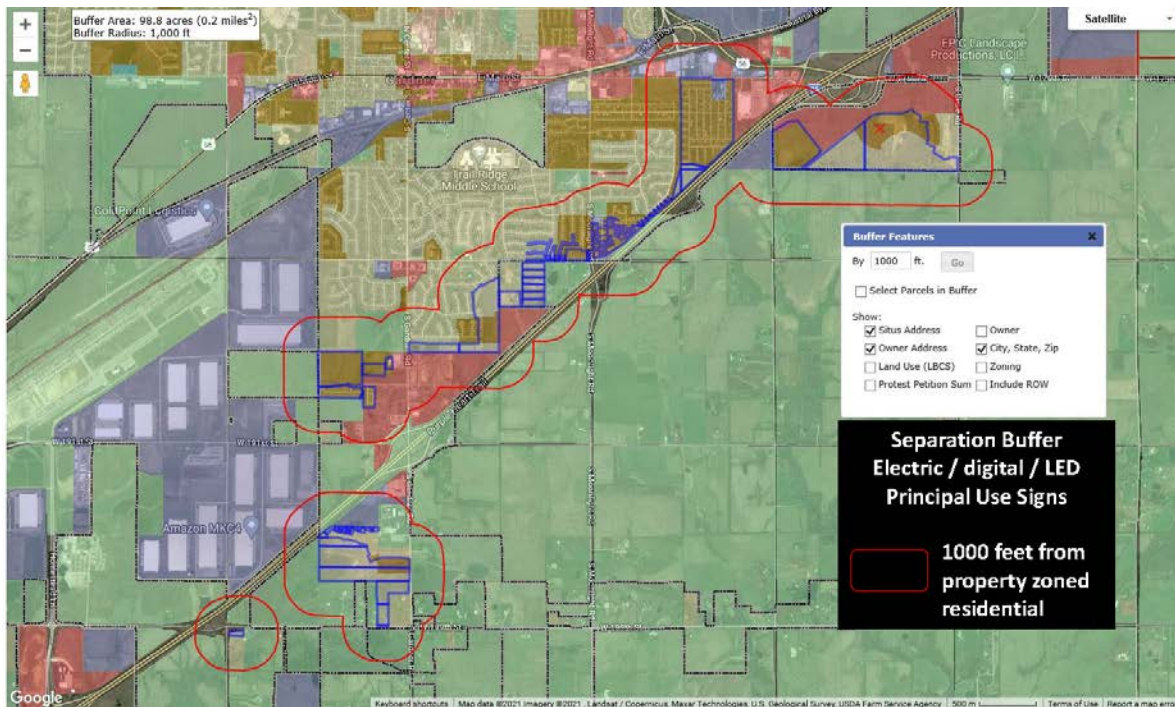


3. Local regulations related to principal use signs cannot be less restrictive than the applicable state regulations along the I-35 corridor but can be more restrictive than the

state regulations. Such signs would still be required to obtain a state permit / license and meet state regulations to which the local regulations are silent.

4. Regulations related to principal use signs in the City of Gardner can be less or more restrictive than applicable Johnson County regulations.
5. Principal use signs in Gardner would only be allowed in the C-2, C-3, M-1 and M-2 zoning districts. State regulations require that such sign be located in commercial or industrial zoning districts.
6. Principal use signs would only be allowed on property abutting / adjacent to the I-35 right-of-way in Gardner.
7. Principal use signs would not be allowed adjacent to interchange ramps, acceleration / deceleration lanes, and for 500 feet leading up to the start of the on-ramp deceleration lane and 500 feet beyond the end of an off-ramp acceleration lane.
8. Vehicular access would be provided in a manner that accommodates emergency vehicle access from the nearest public roadway other than I-35.
9. Principal use signs would be separated by a minimum of:
 - a. 600 linear feet between any non-electric / digital / LED sign and any other principal use sign along the I-35 corridor as measured along the center line of the I-35 rights-of-way.
 - b. 1000 linear feet between any electric / digital / LED sign and any other principal use sign along the I-35 corridor as measured along the center line of the I-35 rights-of-way.
10. Principal use sign dimensions and setbacks:
 - a. Number of principal use signs per parcel – 1
 - b. Sign face display area – 750 square feet maximum
 - c. Sign face height – 15 feet maximum
 - d. Sign face width – 50 feet maximum
 - e. Overall height – 30 feet maximum
 - f. Setback from I-35 right-of-way – 50 feet minimum
11. Principal use signs would be located away from property with residential zoning:
 - a. 500 foot separation for non-electric / digital / LED signs
 - b. 1000 foot separation for electric / digital / LED signs





PROPOSED AMENDMENTS

Draft language related to potential changes is provided below and organized by chapter. A summary paragraph associated with each chapter is provided in regard to the nature of the proposed amendments. After the summary paragraph the existing language from the LDC is provided in black font (language proposed to be removed is in red strikeout font) and proposed new language is provided in red font.

CHAPTER 17.02 DEFINITIONS

No changes are being recommended in this chapter. The current sign definition is being provided for reference purposes.

17.02.010 Definitions

S

Sign means any device which shall display or include any letter, word, model, insignia, device, or representation used as, or which is in the nature of, an advertisement or announcement which directs attention to an object, product, place, activity, person, institution, organization, or business.

CHAPTER 17.05 ZONING DISTRICTS AND USE STANDARDS

The proposed language in this section is related to the identification and description of ancillary and principal use signs as part of the Communication and Utilities land use category associated with the Use Table. The language provided below has been reviewed by the City Attorney.

17.05.030 General Use Standards

A. **Permitted Uses.** In order to implement the intent of each zoning district, facilitate complementary transitions between districts, and to regulate a variety of compatible uses within zoning districts, use categories and general uses have been established for principal uses of land and buildings. Table 5-2 indicates permitted uses (P) subject to general district and building type standards, permitted accessory uses (A) subject to specific accessory use standards, temporary uses (T) subject to limited permits, and conditional uses (C) subject to the

discretionary review process in GMC [17.03.050](#). All uses may be subject to more specific standards, limitations and performance criteria as identified by an asterisk in Table 5-2 and in GMC [17.05.040](#), [17.05.050](#) and Chapter [17.11](#) GMC. Use categories, general uses and specific types of uses are more specifically described in subsection (B) of this section.

Table 5-2: Use Table														
	Residential Districts								Nonresidential Districts					
	A	RE	R-1	R-2	R-3	R-4	R-5	RM-P	C-O	CO-A	C-1	C-2	C-3	M-1 M-2
COMMUNICATIONS AND UTILITIES														
Signs, Ancillary (See Sign Standards)	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Signs, Principal Use (See Sign Standards)												P	P	P

B. Description of Uses. This subsection contains general descriptions associated with the use of land and buildings organized by categories and types, and enabled by zoning districts in Table 5-2. Where a proposed use is not generally listed or appears to meet the description of more than one use type, the Director shall make an interpretation on the most relatively equivalent described use considering (1) the similarity of the use in terms of scale, impact and operations to other described uses; (2) the typical building formats and site designs associated with the use from existing examples; and (3) the potential contribution of the use and typical formats to the intent of the zoning district. Any use that may not be interpreted as relatively equivalent to a use described in this section or the use table are not anticipated by these regulations and may only be allowed by a text amendment.

COMMUNICATIONS AND UTILITIES

The Communications and Utilities category is for buildings, structures, or other **physical infrastructure** improvements that provide essential public services **or support the communication / distribution of information**.

Signs, Ancillary – Signs associated and supporting a principal or another accessory use located on the same property.

Signs, Principal Use - Signs that are not associated with another principal or accessory use located on the same property.

CHAPTER 17.10 SIGN STANDARDS

The proposed language in this section provides the physical parameters for ancillary and principal use signs. The primary focus in this chapter is the creation of Table 10-3: Principal Use Sign Allowances and associated standards related to sign type, lighting, and construction / maintenance. Additionally, the current reference to business messaging is recommended to be removed.

17.10.040 Sign Allowances

The following sign allowances apply to zoning districts or groups of zoning districts as the basic standard. Other restrictions in this section, or other regulations, may operate to further reduce the basic sign allowances within each zoning district.

A. Ancillary Signs. Signs supporting a principal or accessory use located on the same property are subject to the allowances in Table 10-2.

Table 10-2: Ancillary Sign Allowances

Residential, Agriculture and REC Districts		C-O, CO-A and C-1	C-2, C-3, M-1 and M-2
<i>Wall Signs</i>	<p>For permitted principal nonresidential or multi-family uses:</p> <ul style="list-style-type: none"> • <i>Number</i> – 2 signs per facade • <i>Total Area Allowance</i> – 5% of facade area maximum • <i>Size</i> – 24 s.f. per sign maximum 	<ul style="list-style-type: none"> • <i>Number</i> – 1 sign per tenant with exterior entrance (multi-tenant building); otherwise 3 signs per facade maximum • <i>Total Area Allowance</i> – 1.5 s.f. per each 1 linear foot of building frontage • <i>Size</i> – 32 s.f. per sign maximum 	<ul style="list-style-type: none"> • <i>Number</i> – 2 signs per tenant with exterior entrance (multi-tenant building); otherwise 4 signs per facade maximum • <i>Total Area Allowance</i> – 10% of facade area maximum
<i>Freestanding Signs</i>	<p>For permitted nonresidential uses, or any residential project over 5 acres:</p> <ul style="list-style-type: none"> • <i>Number</i> – 1 monument sign per street frontage for nonresidential uses OR per entrance for residential projects over 5 acres • <i>Size</i> – 24 s.f. per sign maximum at the minimum of 10' from property line; additional 8 s.f. per each additional 10' setback, to maximum of 48 s.f. per sign • <i>Height</i> – Monument design required; 6' high maximum <p><i>Exception:</i> Any residential project more than 10 acres may allocate this allowance into multiple signs, 8 s.f. or less, provided it is part of a streetscape plan/public amenity program with signs integrated into streetscape structures in common areas at intersections throughout neighborhoods.</p>	<ul style="list-style-type: none"> • <i>Number</i> – 1 sign per lot • <i>Size</i> – 25 s.f. per sign maximum • <i>Height</i> – Monument design required; 6' high maximum • <i>Setback</i> – 10' minimum setback from all right-of-way and lot lines 	<ul style="list-style-type: none"> • <i>Number</i> – 1 sign per each 200' of street frontage; maximum of 3 signs per lot • <i>Separation</i> – At least 100' between signs • <i>Total Area Allowance</i> – 1 s.f. per each 2 linear feet of street frontage • <i>Size</i> – 25 s.f. per sign maximum at the minimum of 10' from property line; additional 10 s.f. per each additional 5' setback, to maximum of 65 s.f. per sign • <i>Height</i> – Monument design required; 6' high maximum; and an additional 2' in height for each additional 5' setback up to 15' maximum height • <i>Setback</i> – 10' minimum setback from all right-of-way and lot lines <p><i>Exception:</i> Signs within 1,000' of the interstate may be pole signs up to 75' high maximum, and up to 300 s.f., per sign maximum if used in lieu of one other wall or freestanding sign.</p>
<i>Temporary Signs</i>	<ul style="list-style-type: none"> • <i>Freestanding:</i> <ul style="list-style-type: none"> ◦ <i>Total Area Allowance</i> – 1 s.f. per each 5 linear feet of street frontage ◦ <i>Size</i> – 9 s.f. per sign maximum; 24 s.f. for lots 5 acres or more ◦ <i>Height</i> – 6' high maximum ◦ <i>Separation</i> – At least 25' between signs 	<ul style="list-style-type: none"> • <i>Freestanding:</i> <ul style="list-style-type: none"> ◦ <i>Total Area Allowance</i> – 1 s.f. per each 5 linear feet of street frontage ◦ <i>Size</i> – 32 s.f. per sign maximum ◦ <i>Height</i> – 6' high maximum within the right-of-way and within 10' of the right-of-way; if setback is greater than 10' from the right-of-way, an 	

Table 10-2: Ancillary Sign Allowances

Residential, Agriculture and REC Districts		C-O, CO-A and C-1	C-2, C-3, M-1 and M-2
	<ul style="list-style-type: none"> • <i>Wall:</i> <ul style="list-style-type: none"> ◦ <i>Number</i> – 2 signs per facade ◦ <i>Total Area Allowance</i> – 5% of facade area maximum ◦ <i>Size</i> – 8 s.f. per sign maximum • Total combined display time 90 days per calendar year per lot <i>Exemption from permit:</i> 4 s.f. per sign maximum, but still counts to total area allowance and must meet all other temporary standards. 	<p>additional 2' in height for each additional 5' setback up to 15' maximum height</p> <ul style="list-style-type: none"> ◦ <i>Separation</i> – At least 70' between signs • <i>Wall:</i> <ul style="list-style-type: none"> ◦ <i>Number</i> – 2 signs per facade ◦ <i>Total Area Allowance</i> – 5% of facade area maximum ◦ <i>Size</i> – 32 s.f. per sign maximum • Total combined display time 90 days per calendar year per lot <i>Exemption from permit:</i> 4 s.f. per sign maximum, but still counts to total area allowance and must meet all other temporary standards. <i>Exception:</i> Temporary signs may exceed these limits if it is in place of any other permitted sign to allow for a new business during an interim period not to exceed 90 days, and subject to all other limits of the substituted sign type. 	
<i>Pedestrian Sign</i>	<p>For permitted nonresidential use:</p> <ul style="list-style-type: none"> • <i>Number</i> – 1 sign per each public entrance • <i>Height</i> – 6' high maximum and within 30' of entrance if mounted on the ground • <i>Size</i> – 6 s.f. per sign maximum 	<ul style="list-style-type: none"> • <i>Number and Size</i> – 1 sign per each public building entrance; 8 s.f. per sign maximum; and within 20 feet of entrance AND • <i>Number and Size</i> – 1 sign per each 25 linear feet of building frontage; 6 s.f. per sign maximum <i>Exemption:</i> Portable pedestrian signs or any pedestrian sign mounted on a building that projects into the right-of-way are exempt from right-of-way prohibition in C-1 district AND on any street designed to Activity Street specs per subdivision design standards. Portable pedestrian signs shall meet GMC 17.10.060(B). 	
<i>Internal Ground Sign</i>	Not applicable	<ul style="list-style-type: none"> • <i>Number</i> – 1 sign per each 5,000 square feet of lot • <i>Size</i> – 4 s.f. per sign maximum; up to 12 s.f. per sign for lots or parcels over 5 acres and if set back at least 50' from public right-of-way or lot lines • <i>Height</i> – 3' high maximum; up to 5' high maximum for signs on lots or parcels over 5 acres and if set back at least 50' from the right-of-way or lot lines 	

(Ord. 2584 § 1; Ord. 2518 § 2 (LDC § 10.04))

B. Principal Use Signs. Signs are a principal use of property when the sign is not considered to be ancillary to another principal or accessory use on the same property and are subject to the allowances in Table 10-3 and the standards listed below.

Table 10-3: Principal Use Sign Allowances

	<i>Residential, Agriculture and REC Districts</i>	<i>C-O, CO-A and C-1</i>	<i>C-2, C-3, M-1 and M-2</i>
<i>Freestanding Signs</i>	Not Allowed	Not Allowed	<ul style="list-style-type: none"> • <i>Location</i> – on parcels abutting the I-35 right-of-way only; not allowed adjacent to an I-35 on-ramp or off-ramp for the extended distance of 500 feet prior to the beginning of the deceleration lane or 500 feet beyond the end of the acceleration lane of I-35 on / off ramps • <i>Vehicular Access</i> – must be provided from the nearest public road right-of-way (other than I-35) and constructed with a dust free surface to a standard that accommodates emergency vehicle access to the sign location. • <i>Number</i> – maximum of 1 sign per parcel • <i>Separation</i> – <ul style="list-style-type: none"> ○ For non-electronic / digital / LED signs 600 feet of separation distance from any other principal use sign located on either side of I-35 as measured along the centerline of the I-35 right-of-way from a point opposite any edge of a principal use sign and perpendicular to the centerline of I-35 ○ For electronic / digital / LED signs 1000 feet of separation distance from any other principal use sign located on either side of I-35 as measured along the centerline of the I-35 right-of-way from a point opposite any edge of a principal use sign and perpendicular to the centerline of I-35 • <i>Total Area Allowance</i> – 750 total square feet of sign display area • <i>Size</i> – Height of sign face 15 feet or less; Width of sign face 50 feet or less • <i>Height</i> – Overall height 30 feet or less • <i>Setback</i> - 50 feet from the I-35 right-of-way; For non-electronic / digital / LED signs 500 feet from any residentially zoned property; For electronic / digital / LED signs 1000 feet from any residentially zoned property

Standards Applicable to Principal Use Signs (in addition to other sections of the Gardner Land Development Code)

1. Sign Type –

- a. Monument – subject to the standards identified in Section 17.10.060 A of the Gardner Land Development Code.
- b. Pole - subject to the standards identified in Section 17.10.060 F of the Gardner Land Development Code.

2. Lighting –

- a. No flashing, intermittent or moving lights

- b. Direct / Indirect lighting sources shall be shielded in a manner that directs light to the sign face only, prevents the light source from being visible when looking at the sign and prevents glare.
 - c. Electronic / Digital / LED signs must display a static image for a minimum of 10 seconds between changes in display and no more than two seconds for transitions. No scrolling, flashing or animated transitions shall occur. Automatic dimming controls shall limit the illumination to no more than 500 nits at the sign surface at night or during low light times, and no more than 5,000 nits at the brightest daylight period.
- 3. Construction / Maintenance -
 - a. An initial building / sign permit is required and plans provided with applications for permitting such sign shall be certified by a licensed engineer registered in the State of Kansas.
 - b. Construction shall be in accordance with industry-wide standards and the adopted building regulations of the City of Gardner.
 - c. Maintenance activities shall ensure that the sign is structurally sound and in good condition and that the property is maintained in compliance with the adopted regulations of the City of Gardner.
 - d. Sign permits for such signs shall be renewed every 5 years though the filing of a sign permit renewal application and a certified inspection report provided by a licensed engineer registered in the State of Kansas verifying the sign is structurally sound and in good condition.
- 4. The sign shall be subject to meeting all other applicable state and federal regulations, including but not limited to the Kansas Highway Beautification Highway Advertising Control Act of 1972, K.S.A. 68-2231 *et seq.*, as amended, and the United States Highway Beautification Act of 1965, 23 U.S.C. 133, as amended. Each sign shall be permitted by the State of Kansas in accordance with K.S.A. 68-2236, as amended. In the event that an application for placement of a principal use sign is made prior to the applicant obtaining a permit from the State, any approval shall be conditioned upon the applicant subsequently obtaining a State permit.

17.10.050 Standards Applicable to All Signs

~~K. Any sign with a business message shall be located on the site of the business activity.~~

17.10.070 Planned Districts

Projects proposed and approved through the planned development process may propose a specific sign package. The sign package shall be based on the intent, types of signs, and standards of this chapter, but the City may approve deviations to these standards through the review process and criteria of planned development districts. Any planned development not proposed and approved with a sign plan noting specific deviations shall be subject to these standards. (Ord. 2518 § 2 (LDC § 10.07))

ACTION / RECOMMENDATION

Planning Commission shall conduct a public hearing, as published, per Section 17.03.110 in order to consider public comment related to the proposed text amendments. After closing the public hearing the Planning Commission shall discuss the proposed amendments and make a motion to recommend one of the following:

1. Approval of the proposed amendments as presented, or
2. Approval of the proposed amendments with modifications, or
3. Disapproval of the proposed amendments.